

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

No. 4:11-CR-00098-FL
No. 4:13-CV-00206-FL

DONTRESZ HILL,)
Petitioner,)
v.)
UNITED STATES OF AMERICA,)
Respondent.)
)
ORDER

This matter comes before the court on the motion of Petitioner Dontresz Hill to withdraw a claim asserted in a motion filed pursuant to 28 U.S.C. § 2255 [DE-40], that counsel was ineffective for failing to appeal a two-level adjustment pursuant to U.S.S.G. § 2D1.1(b)(1). [DE-58]. The underlying § 2255 petition and the government's motion to dismiss the petition have been referred to the undersigned for issuance of a memorandum and recommendation, and on December 2, 2014, the undersigned set an evidentiary hearing limited to the issue of whether counsel was ineffective for failing to file an appeal. [DE- 52]. Counsel was appointed to represent Hill at the evidentiary hearing. *Id.*

In the motion to withdraw the ineffective assistance of counsel claim based on an alleged failure to file an appeal, counsel asserts that he consulted with Hill on several occasions and was instructed by Hill that he no longer wishes to pursue the claim that his former attorney was ineffective for failing to file a notice of appeal. [DE-58] at 1-2. Accordingly, for good cause shown, the motion is ALLOWED and the claim that counsel was ineffective for failing to appeal a two-level adjustment pursuant to U.S.S.G. § 2D1.1(b)(1) is withdrawn from Hill's § 2255 petition. Furthermore, the January 22, 2015 evidentiary hearing to address the now withdrawn claim is

TERMINATED and counsel's representation of Hill for the sole purpose of representing Hill at the evidentiary hearing is likewise TERMINATED.

SO ORDERED, this the 30th day of December 2014.



Robert B. Jones, Jr.
United States Magistrate Judge